IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

ORDER

S.B.CRIMINAL REVISION PETITION NO. 728/2007
(Amar Singh Vs. State of Rajasthan)

Date of Order : 10.08.2007

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. Ramesh Purohit, for the petitioner.
Mr. V.R.Mehta, P.P. for the respondent State.

BY THE COURT:-

By the instant criminal revision petition under Section 397 r/w Section 401 Cr.P.C., the petitioner has challenged the order dated 26.10.2006 passed by Additional Sessions Judge (Fast Track), Pratapgarh (for short 'the trial court' hereinafter) whereby the trial court framed the charges against the petitioner for the offences under Sections 279 and 336 IPC.

I have heard learned counsel for the parties. Perused the order impugned as also the challan papers.

The facts and circumstances giving rise to the instant revision petition are that complainant Kishanlal lodged a first information report on 11.5.2006 with Police Station,Salamgarh, district Chittorgarh stating therein that the marriage of his son

was scheduled and for procession he hired a bus bearing No. RJ-09 P 1090. The bus driver was Mangala Meena. The driver of the bus asked some of the passengers to sit on the roof of the bus. While the bus was plying near to Suthar Ghati it was being driven at a great speed and negligently by its driver Mangala Meena. The driver of the bus knowing well that on the roof of the bus there is high power electricity line is going and yet he allowed the passengers to sit on the roof of the bus and continued to drive the bus. Some of the passengers who were on the roof of the bus came in contact with the live wire and electrocuted. On this report, the police registered a case against co-accused Mangala Meena. The matter was investigated. During investigation, the statement of the petitioner Amar Singh was recorded by the police under Section 161 Cr.P.C. on 22.5.2006. The statements of other witnesses who were passengers of the bus have also been recorded by the police u/s 161 Cr.P.C. Almost all the witnesses stated that it was the driver of the bus Mangala Meena who allowed some of the passengers to sit on the roof of the bus. At any rate, there is absolutely no allegations against the present petitioner.

From the close scrutiny of the statements of the witnesses recorded by the police u/s 161 Cr.P.C., there is absolutely no allegation against the present petitioner, who was conductor of the bus, that he was rash and negligent in any

manner. In this view of the matter, the revision petition deserves to succeed.

In the result, the revision petition is allowed. The order impugned dated 26.10.2006 to the extent framing charges against petitioner Amar Singh for the offences under Sections 279 and 336 IPC is set aside. The petitioner Amar Singh is discharged of the offences charged.

(H.R.PANWAR),J.

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